

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAR - 6 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
AMENDMENT OF SECTION 73.202(b), ) Mass Media Docket  
Table of Allotments, ) No. 95-1, RM-8527  
FM Broadcast Stations )  
(Hamilton, Montana) )

To: Chief, Allocations Branch

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COMMENTS OF  
BENEDICT COMMUNICATIONS, INC.

Benedict Communications, Inc. ("BCI"), by its attorneys and pursuant to Sections 1.415 and 1.420 of the Commission's rules, hereby submits its comments in response to the Commission's Notice of Proposed Rule Making ("NPRM"), released January 12, 1995, in the above-captioned proceeding. The NPRM proposes that the FM Table of Allotments be amended to add Channel 251C3 at Hamilton, Montana. BCI, the proponent of the proposed change, incorporates by reference the statements made in its September 13, 1994 petition for rulemaking and restates its present intentions to apply for the channel if allotted and, if authorized, to build a station promptly.

The NPRM also requested a showing of BCI's eligibility to acquire a new station at Hamilton, given its present ownership of KLYQ(AM) and KBMG(FM), Hamilton. As demonstrated in the attached engineering report of Glen

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Clark, P.E., however, the new station would be the seventh commercial radio station in the market. Thus, BCI's common ownership of three stations would be consistent with the Commission's rules. See 47 C.F.R. §§ 73.3555(a)(1)(ii) and (a)(3)(ii).

Accordingly, BCI requests that its petition for rulemaking be granted and the Table of FM Allotments be modified accordingly.

Respectfully submitted,

BENEDICT COMMUNICATIONS, INC.

By

  
James R. Bayes  
Jerry V. Haines  
- of -

WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 429-7000

Its Counsel

Dated: March 6, 1995

ENGINEERING STATEMENT

WITH REFERENCE TO  
OTHER AURAL SERVICES AVAILABLE  
AT  
HAMILTON, MONTANA

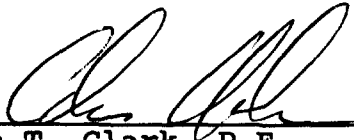
The attached materials have been prepared on behalf of Benedict Communications, Inc. ("BENEDICT"), licensee of KLYQ(AM) and KBMG(FM), both licensed to Hamilton, Montana, and proponent to allot Channel 251C1 at Hamilton.

Our office has evaluated other services in the Hamilton area to determine if they also provide service in the Hamilton area. The first attached table shows all licensed and proposed FM facilities within 130 kilometers of Hamilton. The second attached table shows all licensed and proposed AM facilities within 100 kilometers of Hamilton. The attached map exhibit shows the "Principal City" contours of four commercial and one non-commercial FM station, all of which are licensed to Missoula. The map shows that the city grade contours of all Missoula FM stations overlap the Principal City contour of KBMG(FM), Hamilton, which in turn overlaps the Principal City contour of co-owned KLYQ(AM).

Both the contours produced by the Proposed (BPH920602ID) and Licensed facilities of KYSS-FM overlap the relevant KBMG(FM) contour. The modified Construction Permit for KZOQ-FM (BMPH921210IE) was used to determine the KZOQ-FM contour.

In summary: the Principal City contours for four commercial and one non-commercial FM facilities overlap the Principal City contour of KBMG(FM).

The attached materials were prepared by me or under my direct supervision and are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Glen T. Clark, P.E.  
Georgia registration #18713

March 3, 1995

(814) 235-1410

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 \* VERSION 1.8 - 15 DEC 89 \*  
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STUDY NAME - HAMILTON MT

SEARCHED FROM CHANNEL 201 TO CHANNEL 300.  
 THE MAXIMUM DISTANCE OF INTEREST IS - 130.00 KM.  
 CLASS D STATIONS NOT INCLUDED IN PRINTOUT.

REFERENCE CO-ORDINATES: 46 14 42 North Latitude  
 114 9 36 West Longitude

CITY/STATE/COUNTRY	CALL	CHANNEL	STATUS	POWER	TD	HEIGHT	DIST	AZIMUTH	LATITUDE	LONGITUDE	FILE #	RECORD #
Missoula	MT US	KUFM	206C FM LIC	14.50	NN	754	88.50	8.4	47 1 58	113 59 29	BLED920722KA	1073
Butte	MT US	KMSMFM	218A FR DEL	0.00	NN	0	126.59	101.8	46 0 43	112 33 23	RM8383	3372
Butte	MT US	KMSMFM	218A FM LIC	0.17	NN	-98	126.59	101.8	46 0 43	112 33 23	BLED820107AK	3302
Salmon	ID US		224A FA USED	0.00	NN	0	120.05	169.2	45 11 2	113 52 12		4887
Salmon	ID US	KSRAFM	224A FM LIC	1.50	NN	-268	120.05	169.2	45 11 2	113 52 12	BLH840305AA	4980
Butte	MT US	KAAR	224A FM LIC	3.00	NN	7	127.86	101.0	46 1 34	112 32 7	BLH881116KD	5038
Missoula	MT US	KDXT	227C FM LIC	43.00	NN	777	89.39	8.7	47 2 24	113 59 0	BLH791019AC	5743
Missoula	MT US		227C FA USED	0.00	NN	0	89.39	8.7	47 2 24	113 59 0		5661
Missoula	MT US	KYSSF	235C FM APP	15.00	NN	765	88.50	8.4	47 1 58	113 59 29	BPH920602ID	7525
Missoula	MT US		235C FA USED	0.00	NN	0	89.39	8.7	47 2 24	113 59 0		7448
Missoula	MT US	KYSSF	235C FM LIC	15.00	NN	765	89.39	8.7	47 2 24	113 59 0	BLH850614KA	7398
Hamilton	MT US		240C3 FA USED	0.00	NN	0	5.93	253.1	46 13 46	114 14 1		8832
Hamilton	MT US	KBMG	240C3 FM LIC	16.00	NN	120	5.93	253.1	46 13 46	114 14 1	BLH920406KD	8591
Deer Lodge	MT US		244A FA VACANT	0.00	NN	0	112.41	80.8	46 24 26	112 43 8		9542
Anaconda	MT US		249C3 FA VACANT	0.00	NN	0	94.78	99.7	46 6 7	112 56 59		10744
Anaconda	MT US	KGLMFM	249A FM LIC	0.21	NN	287	94.78	99.7	46 6 7	112 56 59	BLH6094	10565
Missoula	MT US		261C1 FA USED	0.00	NN	0	63.58	13.1	46 48 8	113 58 20		13481
Missoula	MT US	KZQQFM	261C1 FM CP MOD	13.50	NN	641	63.61	13.1	46 48 9	113 58 21	BMPH921210IE	13280
Missoula	MT US	KZQQFM	261C3 FM LIC	12.00	NN	-61	72.07	10.7	46 52 56	113 59 8	BLH901207KA	13462
Missoula	MT US		273C1 FA USED	0.00	NN	0	62.32	10.2	46 47 49	114 0 59		16312
Missoula	MT US	KMSO	273C1 FM LIC	14.00	NN	533	64.16	12.6	46 48 30	113 58 38	BLH931220KB	16270
Butte	MT US	KMSMFM	295A FR ADD	0.00	NN	0	126.59	101.8	46 0 43	112 33 23	RM8383	21548

STUDY COMPLETE.  
 22870 RECORDS READ (INCLUDING TRANSLATORS).  
 22 RECORDS PRINTED.

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 \* PROGRAM AMWITHIN \*  
 \* COPYRIGHT 1986 AND 1989 BY GLEN CLARK \*  
 \* VERSION 1.1 - 11 DEC 89 \*  
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STUDY NAME - HAMILTON MT

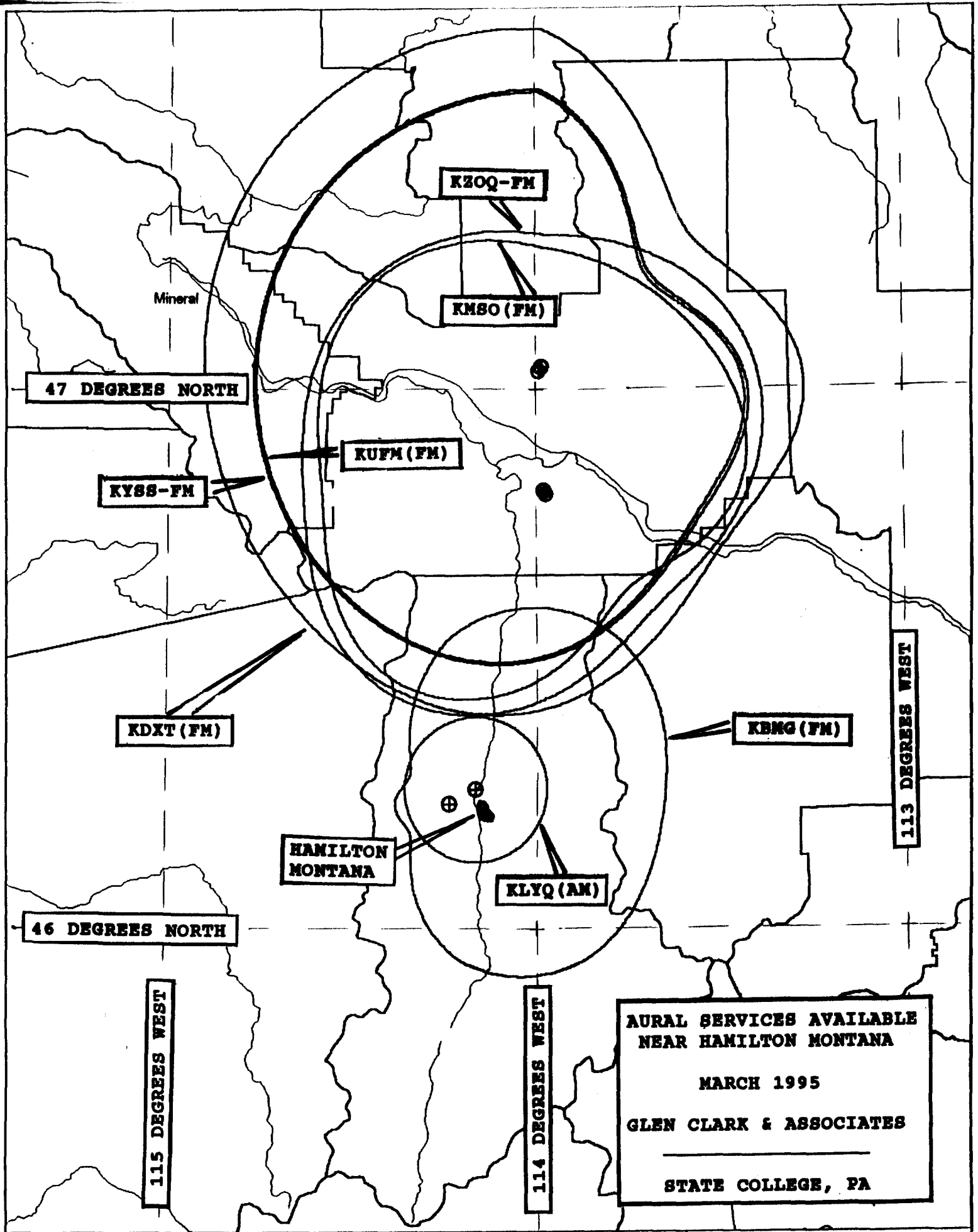
SEARCHED FROM 540 kHz TO 1800 kHz.  
 THE MAXIMUM DISTANCE OF INTEREST IS 100.0 KILOMETERS

REFERENCE COORDINATES: 46-14-42 Latitude  
 114- 9-36 Longitude

DATA BASE:  
 VOLUME NUMBER - 00994  
 NEXT CHANGE LIST NUMBER - 02631  
 LAST UPDATE DATE - 940623  
 FORMAT VERSION - 000100

CALL	STATUS	CITY	STATE	CTRY	FREQ	TYPE	HOURS	MODE	POWER	TOWERS	LATITUDE	LONGITUDE	RMS	DIST(KM)	BEARING
KANA	L	ANACONDA	MT	US	580	1	ND1	D	1.00	01	46 7 50 N	112 55 7 W	282.0	96.4	97.1
KANA	L	ANACONDA	MT	US	580	1	ND1	N	0.20	01	46 7 50 N	112 55 7 W	282.0	96.4	97.1
NEW		ANACONDA	MT	US	890	1	DAN	D	10.00	01	46 8 0 N	112 55 0 W	305.8	96.5	96.9
NEW		ANACONDA	MT	US	890	1	DAN	N	1.00	04	46 8 0 N	112 55 0 W	360.5	96.5	96.9
KLCY	L	EAST MISSOULA	MT	US	930	1	DAN	D	5.00	01	46 51 57 N	114 4 57 W	305.7	69.3	4.9
KLCY	L	EAST MISSOULA	MT	US	930	1	DAN	N	1.00	03	46 51 57 N	114 4 57 W	332.2	69.3	4.9
KLYQ	L	HAMILTON	MT	US	1240	1	ND1	U	1.00	01	46 15 22 N	114 9 45 W	301.0	1.3	351.2
KGVO	L	MISSOULA	MT	US	1290	1	DAN	D	5.00	01	46 49 47 N	114 4 45 W	424.9	65.3	5.4
KGVO	L	MISSOULA	MT	US	1290	1	DAN	N	5.00	02	46 49 47 N	114 4 45 W	659.8	65.3	5.4
KYLT	L	MISSOULA	MT	US	1340	1	ND1	U	1.00	01	46 52 56 N	113 59 8 W	342.8	72.1	10.6
KGRZ	L	MISSOULA	MT	US	1450	1	ND1	U	1.00	01	46 52 36 N	114 0 47 W	310.6	71.1	9.0

STUDY COMPLETE.  
 28976 RECORDS READ.  
 11 RECORDS PRINTED.



Principal City Contours of Stations  
Near Hamilton, Montana

Latitude: 46 30 31  
Longitude: 114 07 35

Kilometers  
10 0 10 20